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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,695

09/22/2003

Ramani Mani

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

RODRIGUEZ, WILLIAM H

ART UNIT

PAPER NUMBER

3746

NOTIFICATION DATE

DELIVERY MODE

07/02/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/664,695	Applicant(s) MANI ET AL.	
	Examiner William H. Rodriguez	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-26 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 21-26, 28 and 30-35 is/are rejected.
- 7) ☒ Claim(s) 20 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

This office action is in response to the amendment/remarks filed on 02/28/2008.

Response to Arguments

1. Applicant's arguments filed 02/28/2008 have been fully considered but they are not persuasive for the following reasons:

On page 4, 4th paragraph of the response applicant argues “*Examiner’s statement misstates Howell’s definition, as well as failing to recognize that upstream and downstream are readily distinguished in the Applicants’ specification*”. While Howell states “downstream, relative to the direction of normal flow through the duct as indicated by the arrow A (col. 2 ll. 7-8)”. It is clear as agreed by applicant (see page 5 lines 18-20 of the 2/28/08 response) that applying a name to a particular region does not affect the operation of Howell’s engine since the claims of the instant application lack a frame of reference that prevents calling a certain X region a downstream or upstream region. Further, in response to applicant's argument (*failing to recognize that upstream and downstream are readily distinguished in the Applicants’ specification*), it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 5 lines 8-9 of the response applicant argues “*to suggest that an appropriate frame of reference is not available in the applicant’s specification is incorrect*”. This statement is incorrect because examiner stated that **the claims** failed to positively recite a frame of

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reference that would distinguish applicant's upstream/downstream from the examiner's interpretation of Howell (see page 2 lines 6-8 of the 11/28/07 office action).

On page 5 lines 26-27 of the response applicant argues "*the suggestion by the examiner that flow could be reversed in an engine without changing the operation of it is simply incorrect*". This statement is incorrect because the examiner never made such a statement. Examiner stated that "the operation of Howell' apparatus is not affected at all if the downstream region was to be called an upstream region and vice versa (see page 2 of 11/28/07 office action)" because applying a name to a particular region does not affect the operation of Howell's engine. The examiner never made a statement regarding reversing the flows in Howell's engine.

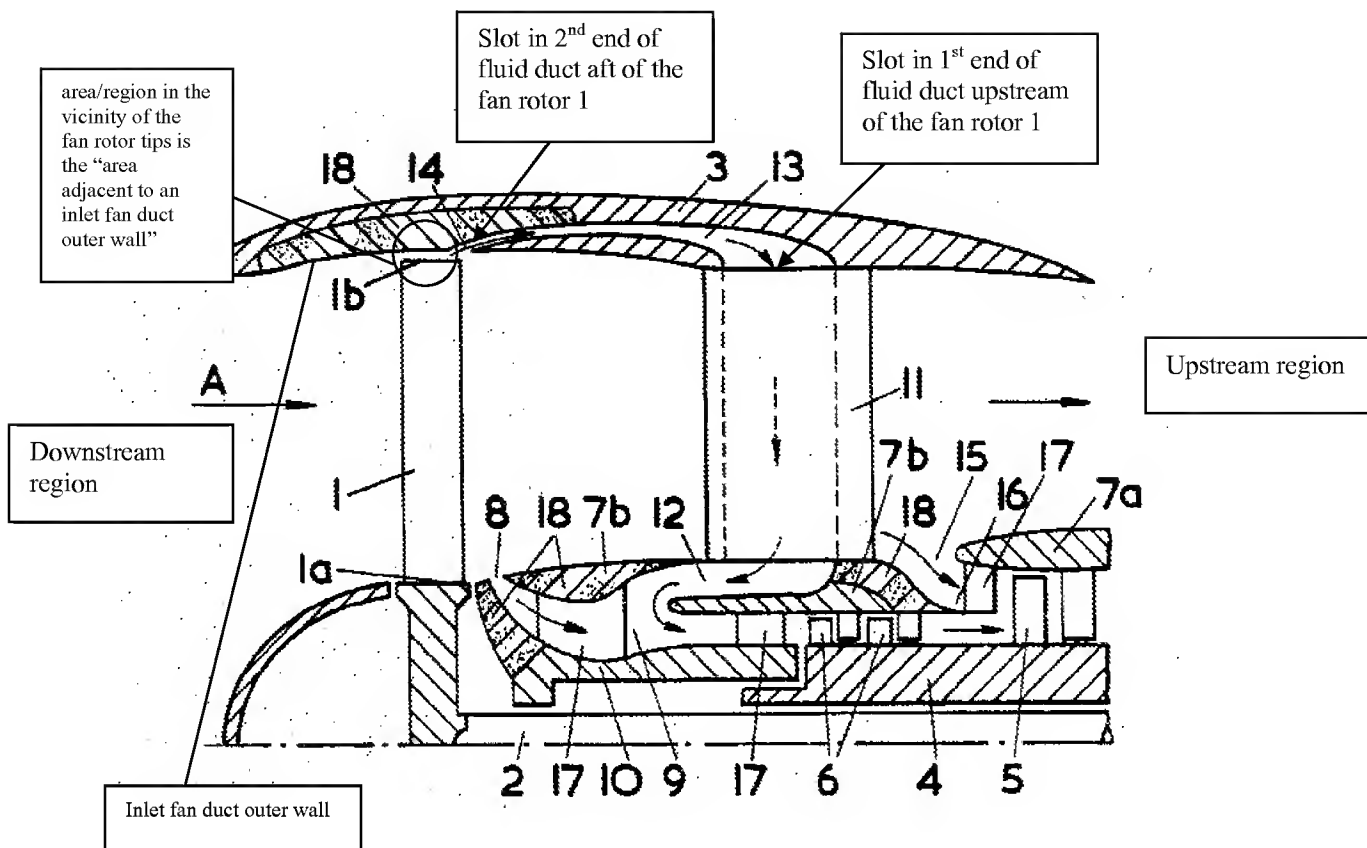
Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19, 21-26, 28 and 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Howell (US 3,735,593).



Howell teaches an apparatus comprising: a nacelle 3, an acoustic liner 18, a fluid duct 13 having a first end with a slot being disposed upstream of a fan rotor 1 and a second end with a slot disposed aft of said fan rotor 1, said first slot and said second slot being circumferential as indicated by the presence of the centerline on the bottom of figure 1. Notice that the cross sectional area of the second end expands towards the first end, said fluid duct is substantially disposed within the nacelle. Notice that the area/region in the vicinity of the fan rotor tips is the "area adjacent to an inlet fan duct outer wall". Also, notice that as a flow passes through the 2nd end of the fluid duct the speed/velocity is accelerated because the 2nd end has a very small cross sectional area in comparison to the large cross-sectional area of the inlet fan duct of the engine.

Therefore, Howell clearly teaches that the air velocity adjacent to an inlet fan duct outer wall is increased. See particularly figure 1 above.

While Howell states “downstream, relative to the direction of normal flow through the duct as indicated by the arrow A (col. 2 ll. 7-8)”. It is clear as agreed by applicant (see page 5 lines 18-20 of the 2/28/08 response) that applying a name to a particular region does not affect the operation of Howell’s engine since the claims of the instant application lack a frame of reference that prevents calling a certain X region a downstream or upstream region.

Allowable Subject Matter

4. Claims 20 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodríguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William H. Rodríguez/
Primary Examiner, Art Unit 3746